

Notice of Allowability

Application No.

09/880,723

Applicant(s)

TARVYDAS ET AL.

Examiner

Nicholas D. Rosen

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/11/2007.
2. ☒ The allowed claim(s) is/are 1,2,4,5,10-12,22-24,27,48 and 52.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Nicholas D. Rosen
NICHOLAS D. ROSEN
PRIMARY EXAMINER

Art Unit: 3625

DETAILED ACTION

Claims 1, 2, 4, 5, 10, 11, 12, 22, 23, 24, 27, 48, and 52 have been examined.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 16, 2007 has been entered.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Mark Levenda on August 17, 2007.

The application has been amended as follows: The eleventh line of claim 1 is hereby amended by the insertion of the words "**or an unaffiliated**" after "an affiliated" and before "web site;".

Allowable Subject Matter

Claims 1, 2, 4, 5, 10, 11, 12, 22, 23, 24, 27, 48, and 52 are allowed.

The following is an examiner's statement of reasons for allowance: The closest prior art of record, Musgrove et al. (U.S. Patent 6,725,222) discloses a method of processing product orders, via a network, to allow consumers to order products from a plurality of merchants from a web page comprising a consistent user interface, comprising the steps of retrieving a universal shopping cart; searching a local database for information relating to a product prior to searching a plurality of at least one of: affiliated and unaffiliated websites for said information; displaying said information from said plurality of at least one of: affiliated and unaffiliated websites within said web page comprising a consistent user interface; receiving a product selection command from a consumer indicative of selecting a product; adding said selected product to the universal shopping cart; and injecting a product order at one of the plurality of at least one of: affiliated and unaffiliated websites associated with said selected product in said universal shopping cart (Abstract; column 2, lines 28-55; column 5, lines 14-48; column 7, lines 22-67; column 9, lines 1-16; and Figures 1-4), wherein the product order is injected to an unaffiliated website according to pattern matching (column 5, lines 30-48; column 6, line 47, through column 7, line 8; column 7, lines 22-67). Musgrove does not disclose identifying a common accepted payment method from the plurality of merchants, wherein said common accepted payment method is displayed within the webpage, but Daly (U.S. Patent 5,878,141) teaches identifying and displaying a payment method accepted by a merchant, out of a plurality of merchants for which data

Art Unit: 3625

is maintained, and matching acceptable forms of payment for multiple users (merchants and purchasers) (Abstract; column 3, line 60, through column 4, line 29; column 5, lines 47-60; column 7, lines 18-63; column 12, lines 35-42; Figures 2, 5, 6, and 7).

Musgrove does not disclose determining whether the web site is an affiliated or an unaffiliated web site; transmitting an order for the selected product directly to an owner of the affiliated web site when said selected product is from said affiliated web site; and injecting a product order at an unaffiliated web site when the selected product is from said unaffiliated website, wherein said product order is injected to an unaffiliated website according to pattern matching. Bailey et al. (U.S. Patent 6,785,671) disclose a database of multiple websites selling products relevant to a user's search query (column 5, lines 3-9; column 15, lines 45-62), some of the websites affiliated and some unaffiliated, but do not disclose determining whether a particular web site is an affiliated or an unaffiliated web site, and proceeding to carry out the ordering process differently depending on whether the web site is affiliated or unaffiliated. Instead, search results appear to be displayed without regard to whether the web sites are affiliated or unaffiliated, and the user is apparently left to order products for himself, without the product order being injected to an unaffiliated website according to pattern matching (ibid.; also Figure 3). No other prior art of record is more relevant in this regard than Bailey, and there is no teaching, suggestion, or motivation in the prior art of record to assemble the method of claim 1 from Musgrove, Daly, and Bailey, nor is reason seen, based on the knowledge generally available to one of ordinary skill in the art at the time

of applicant's invention, why one of ordinary skill would have been motivated to do so, in particular as this Bailey teaches against the claimed method, as noted.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bailey et al. (U.S. Patent 6,785,671) disclose a system and method for locating web-based product offerings.

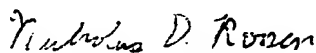
Preddy ("Mall of Michigan Debuts on Internet in May") discloses an online mall with both affiliated online stores, and other online stores whose owners have purchased links to the online mall.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas D. Rosen, whose telephone number is 571-272-6762. The examiner can normally be reached on 8:30 AM - 5:00 PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Non-official/draft communications can be faxed to the examiner at 571-273-6762.

Art Unit: 3625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



NICHOLAS D. ROSEN
PRIMARY EXAMINER

August 19, 2007